

Senate Study Bill 3186 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
SENATE APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

A BILL FOR

- 1 An Act relating to appropriations to the justice system.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. 2015 Iowa Acts, chapter 135, section 23, is
2 amended to read as follows:

3 SEC. 23. DEPARTMENT OF JUSTICE.

4 1. There is appropriated from the general fund of the state
5 to the department of justice for the fiscal year beginning July
6 1, 2016, and ending June 30, 2017, the following amounts, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 a. For the general office of attorney general for salaries,
10 support, maintenance, and miscellaneous purposes, including
11 the prosecuting attorneys training program, matching funds
12 for federal violence against women grant programs, victim
13 assistance grants, office of drug control policy prosecuting
14 attorney program, and odometer fraud enforcement, and for not
15 more than the following full-time equivalent positions:

16	\$	3,994,953
17		<u>7,989,905</u>
18	FTEs	214.00
19		<u>215.00</u>

20 As a condition of receiving the appropriation provided
21 in this lettered paragraph, the department of justice shall
22 maintain a record of the estimated time incurred representing
23 each agency or department.

24 b. For victim assistance grants:

25	\$	3,367,200
26		<u>6,734,400</u>

27 The moneys appropriated in this lettered paragraph shall be
28 used to provide grants to care providers providing services to
29 crime victims of domestic abuse or to crime victims of rape and
30 sexual assault.

31 The balance of the victim compensation fund established
32 in [section 915.94](#) may be used to provide salary and support
33 of not more than ~~24~~ 29.00 FTEs and to provide maintenance
34 for the victim compensation functions of the department of
35 justice. Of the FTEs authorized pursuant to this paragraph,

1 5.00 FTEs shall be used by the department of justice to employ
 2 one accountant and four program planners. The department of
 3 justice may employ the additional five FTEs authorized pursuant
 4 to this lettered paragraph that are in excess of the number
 5 of FTEs authorized for the previous fiscal year only if the
 6 department of justice receives sufficient federal moneys to
 7 maintain employment for the additional FTEs during the current
 8 fiscal year. The department of justice shall only employ the
 9 additional five FTEs in succeeding fiscal years if sufficient
 10 federal moneys are received during each of those succeeding
 11 fiscal years.

12 The department of justice shall transfer at least \$150,000
 13 from the victim compensation fund established in [section 915.94](#)
 14 to the victim assistance grant program.

15 Notwithstanding [section 8.33](#), moneys appropriated in this
 16 paragraph "b" that remain unencumbered or unobligated at the
 17 close of the fiscal year shall not revert but shall remain
 18 available for expenditure for the purposes designated until the
 19 close of the succeeding fiscal year.

20 c. For legal services for persons in poverty grants as
 21 provided in [section 13.34](#):

22	\$ 1,200,000
23	<u>2,400,000</u>

24 2. a. The department of justice, in submitting budget
 25 estimates for the fiscal year commencing July 1, 2017, pursuant
 26 to [section 8.23](#), shall include a report of funding from sources
 27 other than amounts appropriated directly from the general fund
 28 of the state to the department of justice or to the office of
 29 consumer advocate. These funding sources shall include but
 30 are not limited to reimbursements from other state agencies,
 31 commissions, boards, or similar entities, and reimbursements
 32 from special funds or internal accounts within the department
 33 of justice. The department of justice shall also report actual
 34 reimbursements for the fiscal year commencing July 1, 2015,
 35 and actual and expected reimbursements for the fiscal year

1 commencing July 1, 2016.

2 b. The department of justice shall include the report
3 required under paragraph "a", as well as information regarding
4 any revisions occurring as a result of reimbursements actually
5 received or expected at a later date, in a report to the
6 co-chairpersons and ranking members of the joint appropriations
7 subcommittee on the justice system and the legislative services
8 agency. The department of justice shall submit the report on
9 or before January 15, 2017.

10 3. a. The department of justice shall reimburse the
11 costs and necessary related expenses incurred by the Iowa
12 law enforcement academy to employ one additional instructor
13 position who shall provide training for domestic abuse and
14 human trafficking-related issues throughout the state.

15 b. The department of justice shall obtain the moneys
16 necessary to reimburse the Iowa law enforcement academy to
17 employ such an instructor from unrestricted moneys from either
18 the victim compensation fund established in section 915.94, the
19 human trafficking victim fund established in section 915.95, or
20 the human trafficking enforcement fund established in 2015 Iowa
21 Acts, ch. 138, §141.

22 Sec. 2. 2015 Iowa Acts, chapter 135, section 24, is amended
23 to read as follows:

24 SEC. 24. OFFICE OF CONSUMER ADVOCATE. There is appropriated
25 from the department of commerce revolving fund created in
26 section 546.12 to the office of consumer advocate of the
27 department of justice for the fiscal year beginning July 1,
28 2016, and ending June 30, 2017, the following amount, or so
29 much thereof as is necessary, to be used for the purposes
30 designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34	\$	1,568,794
35		<u>3,137,588</u>

1 FTEs 22.00
2 Sec. 3. 2015 Iowa Acts, chapter 135, section 25, is amended
3 to read as follows:
4 SEC. 25. DEPARTMENT OF CORRECTIONS — FACILITIES.
5 1. There is appropriated from the general fund of the state
6 to the department of corrections for the fiscal year beginning
7 July 1, 2016, and ending June 30, 2017, the following amounts,
8 or so much thereof as is necessary, to be used for the purposes
9 designated:
10 a. For the operation of the Fort Madison correctional
11 facility, including salaries, support, maintenance, and
12 miscellaneous purposes:
13 \$ ~~21,885,801~~
14 43,771,602
15 b. For the operation of the Anamosa correctional facility,
16 including salaries, support, maintenance, and miscellaneous
17 purposes:
18 \$ ~~16,834,127~~
19 33,668,253
20 It is the intent of the general assembly that the department
21 of corrections maintain and operate the Luster Heights prison
22 camp.
23 c. For the operation of the Oakdale correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:
26 \$ ~~30,079,046~~
27 60,158,092
28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:
31 \$ ~~13,786,054~~
32 27,974,048
33 e. For the operation of the Mount Pleasant correctional
34 facility, including salaries, support, maintenance, and
35 miscellaneous purposes:

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1 \$ ~~12,680,067~~
2 24,958,195

3 f. For the operation of the Rockwell City correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ ~~4,918,177~~
7 9,836,353

8 g. For the operation of the Clarinda correctional facility,
9 including salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ ~~12,966,715~~
12 25,933,430

13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda youth
15 corporation are appropriated to the department and shall be
16 used for the purpose of operating the Clarinda correctional
17 facility.

18 h. For the operation of the Mitchellville correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ ~~11,322,985~~
22 22,645,970

23 i. For the operation of the Fort Dodge correctional
24 facility, including salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ ~~15,048,824~~
27 30,097,648

28 j. For reimbursement of counties for temporary confinement
29 of work release and parole violators, as provided in sections
30 901.7, 904.908, and 906.17, and for offenders confined pursuant
31 to section 904.513:
32 \$ ~~537,546~~
33 1,075,092

34 k. For federal prison reimbursement, reimbursements for
35 out-of-state placements, and miscellaneous contracts:

1 \$ ~~242,205~~
2 484,411

3 2. The department of corrections shall use moneys
4 appropriated in subsection 1 to continue to contract for the
5 services of a Muslim imam and a Native American spiritual
6 leader.

7 Sec. 4. 2015 Iowa Acts, chapter 135, section 26, is amended
8 to read as follows:

9 SEC. 26. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

10 There is appropriated from the general fund of the state to the
11 department of corrections for the fiscal year beginning July
12 1, 2016, and ending June 30, 2017, the following amounts, or
13 so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. For general administration, including salaries, support,
16 maintenance, employment of an education director to administer
17 a centralized education program for the correctional system,
18 and miscellaneous purposes:

19 \$ ~~2,635,005~~
20 5,270,010

21 a. It is the intent of the general assembly that each
22 lease negotiated by the department of corrections with a
23 private corporation for the purpose of providing private
24 industry employment of inmates in a correctional institution
25 shall prohibit the private corporation from utilizing inmate
26 labor for partisan political purposes for any person seeking
27 election to public office in this state and that a violation
28 of this requirement shall result in a termination of the lease
29 agreement.

30 b. It is the intent of the general assembly that as a
31 condition of receiving the appropriation provided in this
32 subsection the department of corrections shall not enter into
33 a lease or contractual agreement pursuant to [section 904.809](#)
34 with a private corporation for the use of building space for
35 the purpose of providing inmate employment without providing

1 that the terms of the lease or contract establish safeguards to
2 restrict, to the greatest extent feasible, access by inmates
3 working for the private corporation to personal identifying
4 information of citizens.

5 2. For educational programs for inmates at state penal
6 institutions:

7 \$ ~~1,304,055~~
8 2,608,109

9 a. To maximize the funding for educational programs,
10 the department shall establish guidelines and procedures to
11 prioritize the availability of educational and vocational
12 training for inmates based upon the goal of facilitating an
13 inmate's successful release from the correctional institution.

14 b. The director of the department of corrections may
15 transfer moneys from Iowa prison industries and the canteen
16 operating funds established pursuant to [section 904.310](#), for
17 use in educational programs for inmates.

18 c. Notwithstanding [section 8.33](#), moneys appropriated in
19 this subsection that remain unobligated or unexpended at the
20 close of the fiscal year shall not revert but shall remain
21 available to be used only for the purposes designated in this
22 subsection until the close of the succeeding fiscal year.

23 3. For the development of the Iowa corrections offender
24 network (ICON) data system:

25 \$ ~~1,000,000~~
26 2,000,000

27 4. For offender mental health and substance abuse
28 treatment:

29 \$ ~~11,159~~
30 22,319

31 4A. For department-wide duties, including operations,
32 costs, and miscellaneous purposes:

33 \$ 3,407,808

34 5. It is the intent of the general assembly that for
35 the fiscal year addressed by this section the department of

1 corrections shall continue to operate the correctional farms
 2 under the control of the department at the same or greater
 3 level of participation and involvement as existed as of January
 4 1, 2011; shall not enter into any rental agreement or contract
 5 concerning any farmland under the control of the department
 6 that is not subject to a rental agreement or contract as of
 7 January 1, 2011, without prior legislative approval; and
 8 shall further attempt to provide job opportunities at the
 9 farms for inmates. The department shall attempt to provide
 10 job opportunities at the farms for inmates by encouraging
 11 labor-intensive farming or gardening where appropriate; using
 12 inmates to grow produce and meat for institutional consumption;
 13 researching the possibility of instituting food canning
 14 and cook-and-chill operations; and exploring opportunities
 15 for organic farming and gardening, livestock ventures,
 16 horticulture, and specialized crops.

17 Sec. 5. 2015 Iowa Acts, chapter 135, section 27, is amended
 18 to read as follows:

19 SEC. 27. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 20 SERVICES.

21 1. There is appropriated from the general fund of the state
 22 to the department of corrections for the fiscal year beginning
 23 July 1, 2016, and ending June 30, 2017, for salaries, support,
 24 maintenance, and miscellaneous purposes, the following amounts,
 25 or so much thereof as is necessary, to be used for the purposes
 26 designated:

27 a. For the first judicial district department of
 28 correctional services:

29 \$ ~~7,393,988~~
 30 14,787,977

31 b. For the second judicial district department of
 32 correctional services:

33 \$ ~~5,750,331~~
 34 11,500,661

35 c. For the third judicial district department of

1 correctional services:
2 \$ ~~3,620,628~~
3 7,241,257
4 d. For the fourth judicial district department of
5 correctional services:
6 \$ ~~2,819,003~~
7 5,638,005
8 e. For the fifth judicial district department of
9 correctional services, including funding for electronic
10 monitoring devices for use on a statewide basis:
11 \$ ~~10,539,196~~
12 21,078,393
13 f. For the sixth judicial district department of
14 correctional services:
15 \$ ~~7,431,812~~
16 14,863,623
17 g. For the seventh judicial district department of
18 correctional services:
19 \$ ~~3,928,436~~
20 7,856,873
21 h. For the eighth judicial district department of
22 correctional services:
23 \$ ~~4,083,597~~
24 8,167,194
25 2. Each judicial district department of correctional
26 services, within the funding available, shall continue programs
27 and plans established within that district to provide for
28 intensive supervision, sex offender treatment, diversion of
29 low-risk offenders to the least restrictive sanction available,
30 job development, and expanded use of intermediate criminal
31 sanctions.
32 3. Each judicial district department of correctional
33 services shall provide alternatives to prison consistent with
34 chapter 901B. The alternatives to prison shall ensure public
35 safety while providing maximum rehabilitation to the offender.

1 A judicial district department of correctional services may
2 also establish a day program.

3 4. The governor's office of drug control policy shall
4 consider federal grants made to the department of corrections
5 for the benefit of each of the eight judicial district
6 departments of correctional services as local government
7 grants, as defined pursuant to federal regulations.

8 5. The department of corrections shall continue to contract
9 with a judicial district department of correctional services to
10 provide for the rental of electronic monitoring equipment which
11 shall be available statewide.

12 Sec. 6. 2015 Iowa Acts, chapter 135, section 32, is amended
13 to read as follows:

14 SEC. 32. IOWA LAW ENFORCEMENT ACADEMY.

15 1. There is appropriated from the general fund of the
16 state to the Iowa law enforcement academy for the fiscal year
17 beginning July 1, 2016, and ending June 30, 2017, the following
18 amount, or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For salaries, support, maintenance, and miscellaneous
21 purposes, including jailer training and technical assistance,
22 and for not more than the following full-time equivalent
23 positions:

24	\$	501,607
25		<u>1,003,214</u>
26	FTEs	<u>24.00</u>
27		<u>25.00</u>

28 It is the intent of the general assembly that the Iowa law
29 enforcement academy may provide training of state and local
30 law enforcement personnel concerning the recognition of and
31 response to persons with Alzheimer's disease.

32 The Iowa law enforcement academy may temporarily exceed and
33 draw more than the amount appropriated in this subsection and
34 incur a negative cash balance as long as there are receivables
35 equal to or greater than the negative balance and the amount

1 appropriated in this subsection is not exceeded at the close
2 of the fiscal year.

3 2. The Iowa law enforcement academy may select at least
4 five automobiles of the department of public safety, division
5 of state patrol, prior to turning over the automobiles to
6 the department of administrative services to be disposed
7 of by public auction, and the Iowa law enforcement academy
8 may exchange any automobile owned by the academy for each
9 automobile selected if the selected automobile is used in
10 training law enforcement officers at the academy. However, any
11 automobile exchanged by the academy shall be substituted for
12 the selected vehicle of the department of public safety and
13 sold by public auction with the receipts being deposited in the
14 depreciation fund to the credit of the department of public
15 safety, division of state patrol.

16 3. The Iowa law enforcement academy shall provide training
17 for domestic abuse and human trafficking-related issues
18 throughout the state. The training shall be offered at no
19 cost to the attendees and the training shall not replace any
20 existing domestic abuse or human trafficking training offered
21 by the academy.

22 Sec. 7. 2015 Iowa Acts, chapter 135, section 33, is amended
23 to read as follows:

24 SEC. 33. STATE PUBLIC DEFENDER. There is appropriated from
25 the general fund of the state to the office of the state public
26 defender of the department of inspections and appeals for the
27 fiscal year beginning July 1, 2016, and ending June 30, 2017,
28 the following amounts, or so much thereof as is necessary, to
29 be used for the purposes designated:

30 1. For salaries, support, maintenance, and miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:

33	\$ 13,016,121
34	<u>26,182,243</u>
35	FTEs 223.00

1 2. For payments on behalf of eligible adults and juveniles
2 from the indigent defense fund, in accordance with section
3 815.11:

4 \$ ~~14,875,965~~
5 29,601,929

6 Sec. 8. 2015 Iowa Acts, chapter 135, section 34, is amended
7 to read as follows:

8 SEC. 34. BOARD OF PAROLE. There is appropriated from the
9 general fund of the state to the board of parole for the fiscal
10 year beginning July 1, 2016, and ending June 30, 2017, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purposes designated:

13 For salaries, support, maintenance, and miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:

16 \$ ~~602,291~~
17 1,204,583
18 FTEs 10.75

19 Sec. 9. 2015 Iowa Acts, chapter 135, section 35, is amended
20 to read as follows:

21 SEC. 35. DEPARTMENT OF PUBLIC DEFENSE.

22 1. There is appropriated from the general fund of the
23 state to the department of public defense, for the fiscal year
24 beginning July 1, 2016, and ending June 30, 2017, the following
25 amounts, or so much thereof as is necessary, to be used for the
26 purposes designated:

27 For salaries, support, maintenance, and miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:

30 \$ ~~3,277,239~~
31 6,554,478
32 FTEs 277.50

33 2. The department of public defense may temporarily exceed
34 and draw more than the amount appropriated in this section and
35 incur a negative cash balance as long as there are receivables

1 of federal funds equal to or greater than the negative balance
2 and the amount appropriated in this section is not exceeded at
3 the close of the fiscal year.

4 Sec. 10. 2015 Iowa Acts, chapter 135, section 36, is amended
5 to read as follows:

6 SEC. 36. THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
7 MANAGEMENT.

8 1. There is appropriated from the general fund of the state
9 to the department of homeland security and emergency management
10 for the fiscal year beginning July 1, 2016, and ending June
11 30, 2017, the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, and miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:

16	\$	1,114,812
17		<u>2,229,623</u>
18	FTEs	35.95

19 2. The department of homeland security and emergency
20 management may temporarily exceed and draw more than the amount
21 appropriated in this section and incur a negative cash balance
22 as long as there are receivables of federal funds equal to or
23 greater than the negative balance and the amount appropriated
24 in this section is not exceeded at the close of the fiscal
25 year.

26 3. It is the intent of the general assembly that the
27 department of homeland security and emergency management work
28 in conjunction with the department of public safety, to the
29 extent possible, when gathering and analyzing information
30 related to potential domestic or foreign security threats, and
31 when monitoring such threats.

32 Sec. 11. 2015 Iowa Acts, chapter 135, section 37, is amended
33 to read as follows:

34 SEC. 37. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
35 from the general fund of the state to the department of public

1 safety for the fiscal year beginning July 1, 2016, and ending
 2 June 30, 2017, the following amounts, or so much thereof as is
 3 necessary, to be used for the purposes designated:

4 1. For the department's administrative functions, including
 5 the criminal justice information system, and for not more than
 6 the following full-time equivalent positions:

7	\$	2,113,065
8		<u>4,226,131</u>
9	FTEs	38.00

10 2. For the division of criminal investigation, including
 11 the state's contribution to the peace officers' retirement,
 12 accident, and disability system provided in [chapter 97A](#) in the
 13 amount of the state's normal contribution rate, as defined in
 14 section 97A.8, multiplied by the salaries for which the moneys
 15 are appropriated, to meet federal fund matching requirements,
 16 and for not more than the following full-time equivalent
 17 positions:

18	\$	6,898,272
19		<u>13,796,544</u>
20	FTEs	159.00
21		<u>162.00</u>

22 The division of criminal investigation may employ two of
 23 the three additional FTEs authorized pursuant to this lettered
 24 paragraph that are in excess of the number of FTEs authorized
 25 for the previous fiscal year only if the division of criminal
 26 investigation receives sufficient federal moneys to maintain
 27 employment for the additional two FTEs during the current
 28 fiscal year. The division of criminal investigation shall only
 29 employ the additional two FTEs in succeeding fiscal years if
 30 sufficient federal moneys are received during each of those
 31 succeeding fiscal years.

32 3. For the criminalistics laboratory fund created in
 33 section 691.9:

34	\$	151,173
35		<u>302,345</u>

1 4. a. For the division of narcotics enforcement, including
 2 the state's contribution to the peace officers' retirement,
 3 accident, and disability system provided in [chapter 97A](#) in the
 4 amount of the state's normal contribution rate, as defined in
 5 section 97A.8, multiplied by the salaries for which the moneys
 6 are appropriated, to meet federal fund matching requirements,
 7 and for not more than the following full-time equivalent
 8 positions:

9	\$	3,695,519
10			<u>7,391,039</u>
11	FTEs	65.50
12			<u>66.50</u>

13 The division of narcotics enforcement may employ the
 14 additional one FTE authorized pursuant to this lettered
 15 paragraph that is in excess of the number of FTEs authorized
 16 for the previous fiscal year only if the division of narcotics
 17 enforcement receives sufficient federal moneys to maintain
 18 employment for the additional FTE during the current fiscal
 19 year. The division of narcotics enforcement shall only employ
 20 the additional one FTE in succeeding fiscal years if sufficient
 21 federal moneys are received during each of those succeeding
 22 fiscal years.

23 b. For the division of narcotics enforcement for undercover
 24 purchases:

25	\$	54,521
26			<u>109,042</u>

27 5. For the division of state fire marshal, for fire
 28 protection services as provided through the state fire service
 29 and emergency response council as created in the department,
 30 and for the state's contribution to the peace officers'
 31 retirement, accident, and disability system provided in chapter
 32 97A in the amount of the state's normal contribution rate,
 33 as defined in [section 97A.8](#), multiplied by the salaries for
 34 which the moneys are appropriated, and for not more than the
 35 following full-time equivalent positions:

1 \$ ~~2,325,505~~
2 4,651,010
3 FTEs 53.00

4 6. For the division of state patrol, for salaries, support,
5 maintenance, workers' compensation costs, and miscellaneous
6 purposes, including the state's contribution to the peace
7 officers' retirement, accident, and disability system provided
8 in [chapter 97A](#) in the amount of the state's normal contribution
9 rate, as defined in [section 97A.8](#), multiplied by the salaries
10 for which the moneys are appropriated, and for not more than
11 the following full-time equivalent positions:

12 \$ ~~30,750,788~~
13 61,501,575
14 FTEs 512.00

15 It is the intent of the general assembly that the division of
16 state patrol implement the endangered persons advisory alert
17 system.

18 It is the intent of the general assembly that members of the
19 state patrol be assigned to patrol the highways and roads in
20 lieu of assignments for inspecting school buses for the school
21 districts.

22 7. For deposit in the sick leave benefits fund established
23 under [section 80.42](#) for all departmental employees eligible to
24 receive benefits for accrued sick leave under the collective
25 bargaining agreement:

26 \$ ~~139,759~~
27 279,517

28 8. For costs associated with the training and equipment
29 needs of volunteer fire fighters:

30 \$ ~~412,760~~
31 825,520

32 a. Notwithstanding [section 8.33](#), moneys appropriated in
33 this subsection that remain unencumbered or unobligated at the
34 close of the fiscal year shall not revert but shall remain
35 available for expenditure only for the purpose designated in

1 this subsection until the close of the succeeding fiscal year.

2 b. Notwithstanding [section 8.39](#), the department of public
 3 safety may reallocate moneys appropriated in this section
 4 as necessary to best fulfill the needs provided for in the
 5 appropriation. However, the department shall not reallocate
 6 moneys appropriated to the department in this section unless
 7 notice of the reallocation is given to the legislative services
 8 agency and the department of management prior to the effective
 9 date of the reallocation. The notice shall include information
 10 regarding the rationale for reallocating the moneys. The
 11 department shall not reallocate moneys appropriated in this
 12 section for the purpose of eliminating any program.

13 9. For the public safety interoperable and broadband
 14 communications fund established in [section 80.44](#):

15	\$	77,330
16		<u>154,661</u>

17 10. For department-wide duties, including operations,
 18 costs, and miscellaneous purposes:

19	\$	<u>1,834,973</u>
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20 Sec. 12. 2015 Iowa Acts, chapter 135, section 38, is amended
 21 to read as follows:

22 SEC. 38. GAMING ENFORCEMENT.

23 1. There is appropriated from the gaming enforcement
 24 revolving fund created in [section 80.43](#) to the department of
 25 public safety for the fiscal year beginning July 1, 2016, and
 26 ending June 30, 2017, the following amount, or so much thereof
 27 as is necessary, to be used for the purposes designated:

28 For any direct support costs for agents and officers of
 29 the division of criminal investigation's excursion gambling
 30 boat, gambling structure, and racetrack enclosure enforcement
 31 activities, including salaries, support, maintenance, and
 32 miscellaneous purposes, and for not more than the following
 33 full-time equivalent positions:

34	\$	5,449,004
35		<u>9,528,227</u>

1	FTEs	102.00
2		<u>72.00</u>

3 2. For each additional license to conduct gambling games on
4 an excursion gambling boat, gambling structure, or racetrack
5 enclosure issued during the fiscal year beginning July 1, 2016,
6 there is appropriated from the gaming enforcement fund to the
7 department of public safety for the fiscal year beginning July
8 1, 2016, and ending June 30, 2017, an additional amount of not
9 more than \$300,000 to be used for not more than 3 additional
10 full-time equivalent positions.

11 3. The department of public safety, with the approval of the
12 department of management, may employ no more than three special
13 agents for each additional riverboat or gambling structure
14 regulated after July 1, 2016, and three special agents for
15 each racing facility which becomes operational during the
16 fiscal year which begins July 1, 2016. Positions authorized
17 in this subsection are in addition to the full-time equivalent
18 positions otherwise authorized in this section.

19 Sec. 13. 2015 Iowa Acts, chapter 135, section 39, is amended
20 to read as follows:

21 SEC. 39. CIVIL RIGHTS COMMISSION.

22 1. There is appropriated from the general fund of the state
23 to the Iowa state civil rights commission for the fiscal year
24 beginning July 1, 2016, and ending June 30, 2017, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purposes designated:

27 For salaries, support, maintenance, and miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:

30	\$	584,770
31		<u>1,169,540</u>
32	FTEs	28.00

33 2. The Iowa state civil rights commission may enter into
34 a contract with a nonprofit organization to provide legal
35 assistance to resolve civil rights complaints.

1 Sec. 14. 2015 Iowa Acts, chapter 135, section 40, is amended
2 to read as follows:

3 SEC. 40. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

4 1. There is appropriated from the general fund of the state
5 to the criminal and juvenile justice planning division of the
6 department of human rights for the fiscal year beginning July
7 1, 2016, and ending June 30, 2017, the following amounts, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:

10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13	\$	630,053
14		<u>1,260,105</u>
15	FTEs	12.15

16 2. The criminal and juvenile justice planning advisory
17 council and the juvenile justice advisory council shall
18 coordinate their efforts in carrying out their respective
19 duties relative to juvenile justice.

20 Sec. 15. Section 915.94, Code 2016, is amended to read as
21 follows:

22 **915.94 Victim compensation fund.**

23 A victim compensation fund is established as a separate
24 fund in the state treasury. Moneys deposited in the fund
25 shall be administered by the department and dedicated to and
26 used for the purposes of [section 915.41](#) and [this subchapter](#).
27 In addition, the department may use moneys from the fund
28 for the purpose of the department's prosecutor-based victim
29 service coordination, including the duties defined in sections
30 910.3 and [910.6](#) and [this chapter](#), and for the award of funds
31 to programs that provide services and support to victims of
32 domestic abuse or sexual assault as provided in [chapter 236](#),
33 to victims under [section 710A.2](#), for reimbursement to the
34 Iowa law enforcement academy for domestic abuse and human
35 trafficking training, and for the support of an automated

1 victim notification system established in [section 915.10A](#).
2 For each fiscal year, the department may also use up to three
3 hundred thousand dollars from the fund to provide training
4 for victim service providers, to provide training for related
5 professionals concerning victim service programming, and
6 to provide training concerning homicide, domestic assault,
7 sexual assault, stalking, harassment, and human trafficking as
8 required by [section 710A.6](#). Notwithstanding [section 8.33](#), any
9 balance in the fund on June 30 of any fiscal year shall not
10 revert to the general fund of the state.

11 Sec. 16. Section 915.95, Code 2016, is amended to read as
12 follows:

13 **915.95 Human trafficking victim fund.**

14 A fund is created as a separate fund in the state treasury.
15 Moneys deposited in the fund shall be administered by the
16 department and dedicated to and used for awarding moneys to
17 programs that provide services and support to victims of human
18 trafficking under [section 710A.2](#), including public outreach and
19 awareness programs and service provider training programs, and
20 for reimbursing the Iowa law enforcement academy for domestic
21 abuse and human trafficking training. Notwithstanding section
22 8.33, any balance in the fund on June 30 of any fiscal year
23 shall not revert to the general fund of the state.

24 Sec. 17. 2014 Iowa Acts, chapter 1138, section 21, is
25 amended to read as follows:

26 **SEC. 21. CONSUMER EDUCATION AND LITIGATION**

27 **FUND.** Notwithstanding [section 714.16C](#), for each fiscal
28 year of the period beginning July 1, 2014, and ending June
29 30, ~~2016~~ 2018, the annual appropriations in [section 714.16C](#),
30 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
31 \$125,000 respectively.

32 Sec. 18. 2015 Iowa Acts, chapter 135, section 41, is amended
33 to read as follows:

34 **SEC. 41. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY**
35 **MANAGEMENT.** There is appropriated from the E911 emergency

1 communications fund created in section 34A.7A to the department
 2 of homeland security and emergency management for the fiscal
 3 year beginning July 1, 2016, and ending June 30, 2017, the
 4 following amount, or so much thereof as is necessary, to be
 5 used for the purposes designated:

6 For implementation, support, and maintenance of the
 7 functions of the administrator and program manager under
 8 chapter 34A and to employ the auditor of the state to perform
 9 an annual audit of the E911 emergency communications fund:

10	\$	125,000
11		<u>250,000</u>

12 Sec. 19. 2015 Iowa Acts, chapter 138, section 141, is
 13 amended to read as follows:

14 SEC. 141. HUMAN TRAFFICKING ENFORCEMENT FUND. A human
 15 trafficking enforcement fund is established, separate and apart
 16 from all other public moneys or funds of the state, under
 17 the control of the department of justice. The department
 18 of justice shall deposit unencumbered or unobligated moneys
 19 transferred from the mortgage servicing settlement fund
 20 into the fund. Moneys in the fund are appropriated to the
 21 department of justice, and after consultation with the
 22 commissioner of public safety and the director of the Iowa
 23 law enforcement academy the moneys shall be used for purposes
 24 of training local law enforcement, members of the state
 25 patrol, county attorneys, judicial officers, juvenile court
 26 officers, and public safety answering point personnel about
 27 recognizing and reporting incidents of human trafficking, and
 28 for reimbursing the Iowa law enforcement academy for domestic
 29 abuse and human trafficking training. Any moneys remaining in
 30 the fund on June 30, 2020, shall be transferred to the general
 31 fund of the state.

32 Sec. 20. STATE PUBLIC DEFENDER PILOT PROJECT — ATTORNEY
 33 CHOICE — EMERGENCY RULES.

34 1. Notwithstanding any other provision of the law to the
 35 contrary, for each fiscal year for the period beginning July 1,

1 2016, and ending June 30, 2019, the state public defender may
2 establish a pilot project allowing an indigent person to choose
3 an eligible attorney to represent the person in the person's
4 case that requires such representation. The state public
5 defender shall have sole discretion to establish the pilot
6 project in no more than four counties throughout the state.
7 The state public defender may coordinate with other agencies
8 and organizations in order to seek grant funding and to measure
9 the results of the pilot project.

10 2. The state public defender may adopt emergency rules under
11 section 17A.4, subsection 3, and section 17A.5, subsection 2,
12 paragraph "b", to implement the provisions of this Act and
13 the rules shall be effective immediately upon filing unless
14 a later date is specified in the rules. Any rules adopted
15 in accordance with this section shall also be published as a
16 notice of intended action as provided in section 17A.4.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to appropriations from the general fund
21 of the state for fiscal year 2016-2017 to the departments
22 of justice, corrections, public defense, public safety, and
23 homeland security and emergency management, and the Iowa law
24 enforcement academy, office of the state public defender, board
25 of parole, Iowa state civil rights commission, and the criminal
26 and juvenile justice planning division of the department of
27 human rights.

28 The bill adds 5.00 full-time equivalent positions within the
29 department of justice to administer victim assistance grants.
30 The bill requires the new FTE positions to be an accountant and
31 four program planners. The bill specifies that the department
32 of justice may employ the additional five full-time equivalent
33 positions only if the department of justice receives sufficient
34 federal moneys to maintain employment for the additional
35 full-time equivalent positions during the current fiscal year

1 and succeeding fiscal years. The department of justice shall
2 only employ the additional five full-time equivalent positions
3 in succeeding fiscal years if sufficient federal moneys are
4 received during each of those succeeding fiscal years.

5 The bill requires the department of justice to reimburse
6 the costs and necessary related expenses incurred by the Iowa
7 law enforcement academy to employ one additional instructor
8 position who shall provide training for domestic abuse and
9 human trafficking-related issues throughout the state. The
10 bill specifies that the department of justice shall obtain the
11 moneys necessary to reimburse the Iowa law enforcement academy
12 to employ such an instructor from unrestricted moneys from
13 either the victim compensation fund, the human trafficking
14 victim fund, or the human trafficking enforcement fund. The
15 bill further specifies that the training provided by the
16 Iowa law enforcement academy shall be offered at no cost to
17 the attendees and the training for domestic abuse or human
18 trafficking shall not replace any existing training offered by
19 the academy.

20 The bill makes additional appropriations to the department
21 of public safety and the department of corrections for
22 department-wide duties.

23 The bill appropriates moneys from the department of commerce
24 revolving fund to the office of consumer advocate of the
25 department of justice for fiscal year 2016-2017.

26 The bill adds 3.00 full-time equivalent positions within
27 the division of criminal investigation. The bill specifies
28 that the division of criminal investigation may employ two of
29 the three additional FTEs only if the department of justice
30 receives sufficient federal moneys to maintain employment
31 for the additional two FTEs during the current fiscal year.
32 The division of criminal investigation shall only employ the
33 additional two full-time equivalent positions in succeeding
34 fiscal years if sufficient federal moneys are received during
35 each of those succeeding fiscal years.

1 The bill specifies that the division of narcotics
2 enforcement may employ one additional full-time equivalent
3 position only if the division of narcotics enforcement receives
4 sufficient federal moneys to maintain employment for the
5 additional full-time equivalent position during the current
6 fiscal year and succeeding fiscal years. The division of
7 narcotics enforcement shall only employ the additional one
8 full-time equivalent in succeeding fiscal years if sufficient
9 federal moneys are received during each of those succeeding
10 fiscal years.

11 The bill also appropriates moneys from the gaming
12 enforcement revolving fund to the department of public safety
13 for fiscal year 2016-2017.

14 The bill amends Code section 915.94 to allow funds in the
15 victim compensation fund to be used to reimburse the Iowa law
16 enforcement academy for domestic abuse and human trafficking
17 training.

18 The bill amends Code section 915.95 to allow funds in the
19 human trafficking victim fund to be used to reimburse the
20 Iowa law enforcement academy for domestic abuse and human
21 trafficking training.

22 The bill extends the fiscal period for increasing the
23 appropriations from the consumer education and litigation fund
24 in Code section 714.16C to June 30, 2018. Under current law
25 the increased appropriations from the consumer education and
26 litigation fund expire on June 30, 2016.

27 The bill appropriates moneys from the wireless E911
28 emergency communications fund to the department of homeland
29 security and emergency management for fiscal year 2016-2017.

30 The bill amends 2015 Iowa Acts, ch. 138, section 141,
31 to allow funds in the human trafficking fund to be used to
32 reimburse the Iowa law enforcement academy for domestic abuse
33 and human trafficking training. The bill also requires the
34 department of justice to consult with the commissioner of the
35 department of public safety and the director of the Iowa law

1 enforcement academy prior to using the funds in the human
2 trafficking fund.

3 The bill permits the state public defender to establish
4 a pilot project beginning FY 2016-2017 through FY 2018-2019
5 that allows an indigent person to choose an eligible attorney
6 to represent the person in the person's case that requires
7 such representation. The bill specifies that the state
8 public defender shall have sole discretion to establish the
9 pilot project in no more than four counties throughout the
10 state. The bill also allows the state public defender to adopt
11 emergency rules to implement the pilot project.